# THE COURTS.

onarp Legal Fusillade Against the Gilbert Elevated Railroad.

THE SIXTH AVENUE RAILBOAD INJUNCTION

Grounds for Making the Injunction Permanent.

HENRY WARD BEECHER'S DENTISTRY BILL

Dry arguments of questions of law are not generally very enticing allurements to attract a crowd to a court room. An exception was shown, however, yesterday in the argument on the injunction proceedings brought by the Sixth Avenue Railroad Company against the ter from building its road over the tracks of the former The argument was on an order to show cause why the temporary injunction granted against the Gilbert Elevated Railroad Company should not be made permanent. A large crowd was present in the Superior Court, General Term, room, where m M. Evarts was to open the argument on behalf of the Sixth Avenue Railroad Company bad, no doubt, auce, while many probably came on account of the injuestion underlying the subject to be argued. The original argument in the case, it will be remembered, commenced before Chief Justice Moneil, who, unfortunately, was taken ill before its conclusion, and his judicial duties for some time to come it was determined to commence de novo before Judge a large and distinguished array of counsel present on both sides, the Sixth Avenue Radroad Company being represented by Messrs, William M. Evarts, Joseph H. Choate, George F. Comstock and Charles A. Butler, and the Gilbert Elevated Railroad Company by Messrs. lames C. Carter, John K. Porter, G. P. Lowery, C. F. Stern, H. H. Anderson and Ashbel Green. Mr. Theron both present, together with other promipent railway s. Everything, in fact, indicates a most carnest and determined legal strile, and as the Sixth Avenue Railroad has invoked the courts it shows not only its rough conviction of the justice of its cause, but its villingness to abide their final arbitration.

At eleven A. M. Mr. Evarts began his argument. Although, barring a slight intermission when the court look a receas, he spoke for several hours, he has rarely spoken with more impassioned earnestness, he began by calling attention to plaintiff's corporate rights as conferred by the Legislature, which he claimed amounted to a treehold in the streets in trust for the purpose of a horse railroad. This was a private right, which the Legislature could not invade by subsequent legislation. No question can affect the tenure of this road, as for the convenience of trains, it was evident that no method of steam transitiouid compete with the horse railroads of the city, which carry during the year almost as many people as the combined railroads of the United States. The defendants supposed that the general act of 1875 gave them additional powers and privileges which they did not possess by their original incorporation. But this was not true; the defendants were undurished with the protection of law to do the acts they in did not possess by their original incorporation. But this was not true; the defendants were undurished with the protection of private individuals against invasion by the Legislature or any other authority in the State. On the faith of all this millions were expended by plaintiffs. The various street railroads are accompushing a work of vast magnitude in the conveyance of passengers in a manner compatible with the use of the abutting lots for purposes of unusiness. The Sixth Arenne road alone ronceys 15,000,000 of passengers yearly, and the Third Ayenne nearly twice as many.

Mr. Evarts next reterred to the provisions of the act of 1872, giving authority to run the Gilbert Elevated road, and pointed out that there was a distinct provision that "it should not interfere with existing playing the provision that "it should not interfere with the such the legislators to look into and the two should not interfere with existing the subject of the provision of the act of 1872, giving authority to run the fairt th

smeanings forbidding special legislation for street railways. He further argued that the motive power and the mone of the construction of the proposed road were wholly different from that allowed by the act of 1872. The act of 1875 giving anthority for this onange was despotic legitlation, and, if it was vaiid, then its course was like that of the car of Juggernant. The running of that road would atterly destroy that avenue for use as a piace of residence and for stores, and the immense and growing frailic, built up on the faith of the permanence of the avenue as a highway, would be divoyed. In that avenue, of sixty feet from curb to rurb, it was intended to plant upright posts, twenty-iwo feet apart one way and thrty-five feet the other, dividing the street into three narrow lanes. Of course everybody was in favor of rapid transit. To seat yourself its carringe, wish yourself in Accessor elsewhere, and be there, that was the rapid transit of the imagnation and newspaper discussions. But the inextorable requirements of rapid transit in a crowded city were to be taken into account. To transier 50,000,000 passengers a year would require very requent trains, very frequent stoppages and rery powerful engines, so as to be able to train rapid speed at a suddlen start and making is sudden stoppage. The Greenwich street line has been an operation for years, and transiers only nout 1,000 passengers a day, while the Sixth Avenue Raifroad transiers 50,000. He streenously innited that none of the requirements of rapid transit were met by the proposed structure, which was very different from the secluded underground railroad; that heavy wagons and trucks would be impected and that a free eighne wishing to cross the street would have to go around by the Battery. They would desolate the city in order to make it accessible. Such was the monstrous contributes the crossing of the abutting owners or the supreme Good of the right have to go and the requirement of the abutting owners or the supreme Good of the residence of the prop

The sait of Dr. Skinner, the dentist, against Heury was set down for trial yesterday, before Judge Barrett, in Supreme Court, Circuit. When the case was called mas G. Shearman, counsel for the defendant, stated that he would not be able to go on then, and

posing counsel would stipulate that the Rev. Heary Ward Beecher and Mrs. Beecher would attend and teatily on the adjourned day without being served with another subperns. This stipulation was acceded to, and the case will be brought on for trial on Friday next. The denits bill in question, plannif claims, has been standing for some years, and which the defendant claims he does not owe.

MARINE COURT JURISDICTION.

On application of Mr. Henry C. Dennison, as counsel for Charles O. Dayton, Judge Doubhuc, holding Supreme Court, Chambers, yesterday granted an order directing the Judges of the Marine Court to show cause why a writ of prohibition should not issue against them to writ of prohibition should not issue against them to prevent them from further prosecuting supplementary proceedings against the relator. On behalf of Clayton it is claimed that the Marine Court has no jurisdiction to entertain supplementary proceedings against judgment debtors, and, if they have any such jurisdiction, that the Court is one of limited jurisdiction in that respect and confined to judgments recovered since the act of May 22, 1874, when power, if any now exists, to administer the provisions of the code in proceedings supplementary to execution on judgments subsequently recovered was conferred.

damage to millinery goods, the lacts of which have been reported, tried before Judgo J. F. Daly in the

Court of Common Pleas, a verdict was rendered yester-day for the detendants. Adolph L. Sawyer, appeared

for the plaintiff and N. R. Hoxie for the defendants. In the United States District Court vesterday the consolidated suit of the United States against George W. Wylie, on warehouse bond 13,398 and thirtoen other bonds, was tried. Judge Blatchford directed the jury to find for the government in the amount of \$13,886,

William Isaacs, six years of age, caught his fingers in an ice cutting machine, patented by Michael J. Dixon and in consequence is minus several fingers. His father, Emmanuel Isaacs, brought suit against Dixon for \$5,000 damages. The trial of the case began yes

for \$5,000 damages. The trial of the case began yesterday before Judge Robinson in the Court of Common Pleas. The detence is contributive negligence. ExJudge Busteed appeared for the plaintiff and ex-Judge Yan Cott for the defendant. In the suit brought by Morris Jesup & Co. and others against Coe. Thoras A. Scott and others, who, under the organization of the Davenport Railway Construction Company, bought railroad for which they gave their notes, which were not paid, Judge Sandford, before whom the case was tried, directed a verdict yesterday for the plaintiffs for \$106,206 of in gold, subject to the opinion of the General Term. There was no dispute upon the fa is, and the questions of law are left to the General Term to decide.

song 20.0 of in gold, subject to the opinion of the General Term. There was no dispute upon the faits, and the questions of law are left to the General Term to decide.

Further witnesses were examined yesterday before Judge Van Hoesen, holding the April Term of the Court of Common Pleas, in the soil brought by the Ninth Avenue Italiroad Company against the Greenwich Elevated Railroad Company. Among those examined were Francis A. Paliner, President of the Tenth National Bank; Henry Ferris, Henry Kane, President of the Vesey Street and Battery Railroad; Peter Schunn, Charles Lucas, Thomas McNamara and Edward Flyno. The burden of the testimony was as to horses being frightened by the Elevated Railroad trains. Notwithstand ag the multiplicity of witnesses aiready examined the trial promises to occupy several days yet.

Giovanni Coni, a Sixth ward Italian, was taken before Un ted States Commissioner Betts yesterday on a charge of passing a counterfeit \$20 bill on the First National Bank of Portland, Me., on Isaac Bowman, clothing dealer, of No. 60 Baxter street. He was held for examination.

John Smith, who was arrested a short time ago on a charge of passing a counterfeit \$5 bill on the Hampden National Bank, was held yesterday by Commissioner Shields to await the action of the Grand Jury.

In the case of Philip H. Tuska, one of the parties indicated for complicity in the crooked whiskey frauds, which was set down for argument yesterday before Judge Benedict, counsel for the deiendant asked leave to withdraw his challenge to the array of grand jurors who found the indictment. The Court granted the request and allowed the counsel one week's time in which to decide in what manner he would bring the case before the Court.

A motion to confirm the referee's report was made yesterday before Judge Van Hoesen, in the Special Term of the Court of Common Pleas, in the suit for divorce brought by W. F. Morgan against his wit, Cornella L. Morgan, on the ground of adultery. The plaintiff charges that the wife committed adulter

## DECISIONS.

SUPREME COURT-CHAMBERS.

By Judge Donohue.

Chapman vs. Wicks; Corbin vs. Bell; Allis vs. The Ramapo Wheel and Foundry Company; Slater vs. Shaw; Browne vs. Browne; John vs. Mott; in the matter of Martin; Thousson vs. Currier; Johnson vs. Lingard; Beggs vs. Fagan; Otto vs. Fackner; Wilkins vs. Agart, and Stevens vs. Harris.—Granted.

Williamson vs. Salman; Stanley vs. Wood, and Craven vs. Giles.—Denied.

Kalehar vs. The Bleecker Street and Fulton Ferry Railroad Company.—Notice must be given the company.

Aniford Company.—Notice must be given the company.

Owen vs. Groesbeck.—Motion denied.

Lewis vs. Smith.—Motion granted. Memorandum.

Hubbard vs. Sweet.—Plaintiff to furnish order.

Hughes vs. Rubbin, Nos. I and 2, and Nosaer vs.

Kinn.—Motions denied, without costs.

Spratt vs. King and Swagerland vs. Bussing.—Orders granted.

The Bank of California vs. Garth.—Allowance of

Lewis vs. Smith, No. 1.—Motion granted, be resettled on two days' notice.
Vandervoort vs. The Sea Cliff Grove, &c., Association.—Motion granted; five per cent allowance.
Muligan vs. Muligan.—Decree of divorce granted.
Roberts vs. Hill.—Motion granted. Juugment to

stand as security.
Alisson vs. Oliver & Harris Company.—Must appeal to Marin Court.
Ingersoil vs. Keyser.—Motion granted.

SUPREME COURT-SPECIAL TERM. By Judge Van Vorst.
Fariey vs. Farrell.—Findings and decree signed.
Spillane vs. Dwyer et al.—Order sustaining demu

SUPERIOR COURT-SPECIAL TERM.

By Judge Sedgwick.

Jackson et al. vs. The Charter Oak Life Insurance Company.—Motion granted, with \$10 costs. See memorandum.

Ingersoil vs. Fee Tenth National Bank.—See memorandum for counsel.

Dow vs. Parragh.—Motion denied, with \$10 costs to defendant. Memorandum.

Weston vs. The New York Elevated Railroad Company.—Case and amendments settled.

Peck vs. Morris.—Motion denied, \$10 costs to abide event.

Vander Roest vs. Hermain. - Motion denied, with \$10

granted.

By Judge Curtis.

Clark vs. Flanagan et al.—Order settled.

Johnson vs. Wardrop et al.—Findings of fact and
conclusions of law signed and filed.

MARINE COURT-CHAMBURS.

By Judge McAdam.

Manner vs. Marrooy.—Defendant may serve amended answer without prejudice to the proceedings already had on the payment of \$10 costs within two days.

Valk vs. Waldheim.—Motion granted (2 hilton, 584). Anderson vs. McGuckin and another.—Plaintid is not entitled to disbursements.

Campbell vs. O'Reilly.—Motion to vacate order defined.

led McEvoy vs. Sleight .-- The last order made herein

Frankel vs. Kamler.—J. C. Wolf appointed receiver. Chatham National Bank vs. C. Schumann.—Default Wall vs. Third Avenue Railroad Company. -Order for

scurity.

Schmidt vs. O'Donnell.—Commission ordered.

White vs. Woodroff.—Order of arrest vacated.

Italicy vs. Flanagan.—George S. Wilkes appointed re-Barber vs. Yost.—A. S. Gould appointed receiver.
Barber vs. Steele.—Default opened on terms.
Browster vs. Taylor.—Referred to C. A. Peanody.
Atkins vs. Chapman.—F. S. Wait appointed r

seivet.
Schwarzansky vs. Averill —Case settled and filed.
Crimmins vs. McArthur; Goodman vs. Kelter; Shana vs. Mctropolian Bank; Rull vs. Rulz —Motio The Chatham National Bank vs. Schuman. - Motion

### GENERAL SESSIONS-PART L Before Recorder Hackett. AN INSENTOUS FORGER.

William McCielland, alias Henry More, was arraigned at the bar on a charge of forgery under the tollowing circumstances;—It appeared that one William McCki-& Co., for which he received on account of the saie the sum of \$301.03. Previous to this he had had some street, who is also in the boot and shoe trade. Metlet had eved him some \$88, and shoe trade. Metlet had eved him some \$88, and handed him in payment a chora squeet by repended as Nr. Goodway could not dentify the loose tounced baund in Ellerich's store as part of the stock stolen from his arm.

Levy took the chock, and, deducting the amount it his hill, gave him his own there is or the balance. With the payment of the stock stolen from his arm.

THE BAKER MARITAL MISERY CASE. Yesterday the attent of the Supreme Court of Propring & 10 and Indianses by accledating in the Chemical State of the curvery stipulated was erroneous. Reversed. Mr. Justice Fredley and the Chemical State of the curvery stipulated was erroneous. Reversed. Mr. Justice Fredley and the attent of the support of the approximation of the support of the support of the support of th street, who is also in the boot and shoe trade. McClel

A RELIGIOUS IMPOSTOR.

In the middle of January last a rather good-looking young Gorman named Francis Smith went to the office of Mr. M.F. Dominick, of No. 95 Wall street, and represented that he and his mother were members of the younger Dr. Tyng's church, of which Mr. Dominick is also a member. He set forth a heartrending tale as to his destitute condition, stating in case of non-payment of his rent he and his mother would be ejected from their rooms in Forty-first street. Thereupon Mr. Bominick gave him an order on his brother for \$8. Taking more than ordinary interest in the case. Mr. Dominick subsequently proceeded to the address given by Smith, but could find no such person. Later on he spoke to Dr. Tyng on the subject, but the revering gentleman disclaimed all knowledge of him. On the 1st inst. Mr. Dominick caught sight of him in the office of Mr. J. C. Phillips, tollowing up his pica for money. He was promptly arrested, and it appeared that he had made many victims of the same congregation, among them Mr. E. C. Sampson, of No. 58 Reade street. He pleaded guilty to the charge preferred against him and he was sentenced to three years' imprisonment in the State Prison.

# GENERAL SESSIONS-PART II.

THE FATE OF TWO HIGHWAY ROBBERS.

The trial of William Pitt and Thomas Le Strange, in dicted for assault and attempted robbery, was concluded yesterday. The prisoners, in company with others, attacked Mr. Frederick E. Luthy on the night of the 24th of April last, in 124th street, Harlem, while on his way home. After a desperate struggle, in the course of which Mr. Luthy was severely beaton while an attempt was being made to drag his diamond study from his shirt become the prisoners became alarmed at the sound of a policeman's rap, and jumping into a wagon at hand drove off. They were subsequently captured and fully identified. Mr. Mithell, who appeared for the delence, called several witnesses to prove an alibi, while on the part of the prosecution Assistant District Attorney Bell showed that the juis oners were in the vicinity of the crime on the night in question. They were found guilty and sentenced each to ten years' imprisonment in the State Prison.

AN ALLEGED CROOKED COMMISSIONER. It will, perhaps, be remembered that one Daniel Mangan, who carried on the business of a shoemaker in Monroe street, desired some time ago to change his avocation and become a policeman. James Power said he would use his influence with Police Commissioner Ethards for the sum of \$100 and procure the appointment for him. To this end he desired Mangan .o meet him at the St. Nicholas Hotel, where he would introduce him to the Commissioner. Mangan was accordingly introduced to the supposed Commissioner and his cierk, and the money was paid over. Mangan soon realized the fact that he had been suped, and all the parties except the bogus Police Commissioner were arrested and lodged in jail. Yesterday that party was brought before Judge Gildersleeve, having recently been arrested in Pennsylvania, and committed to the Tombs to await trial. said he would use his influence with Police Commis

FIFTY-SEVENTH STREET COURT. Before Justice Kilbreth. SHOT BY A POLICEMAN.

Officer Meagher, of the Twenty-first precunct early yesterday morning, saw three men roughly jostling a drunken man in East Thirty-fifth street. On seeing the officer they ran, and one of them was pursued down Third avenue. The officer commanded the fugitive to stop. He retused and the officer shot him in the left leg. He gave his name as William Donnelly, No. 336 East Thirty-second street, and said he had no intention of robbing the man, who was Henry Hall, of No. 203 Lexing on avenue. The Court refused to take a complaint for attempted highway robbery against the accused and he was held for trial on a charge of assault and battery on Hall. The prisoner sustained only a fiesh wound. early yesterday morning, saw three men roughly

George Roller, aged fifteen, was arrested on a charge of forging the name of Michael Curley, No. 109 East Thirteenth street, to a check for \$35 and presenting the same in payment for a few dollars worth of grocer-ies to-a storekeeper on Third avenue, saying that he had been sent by Mr. Curiey, who had met him in Uni-versity place. The accused is employed in McCreary's cry goods store, and several persons testified to his good character. He was held for examination.

EX-CORONER SCHIRMER'S VEST. Ex-Coroner Schirmer caused the arrest of his colored James had the vest on in court, and the Coroner said that he had worn it last night while on a visit to one that he had worn it last night while on a visit to one of his many colored charmers who had of late turned his head completely. The Court seemed to think lightly of the offence, when the Coroner insisted that James should be punished, saying that he was a "terribly deprayed boy." He is twenty-five years of age. The Coroner's desire to assume the position of justice as well as complainant caused a good deal of merriment. The prisoner said that the Coroner's anger had not been caused as o much by his wearing the vest as his returns to tell him where his mother lived, so that he could visit her and tell her a lot of stories about him. He had worn the vest, he said, for a long time past, and that in the house, too, and the Coroner had said nothing about it. He was held for trial on a charge of larceny.

ROBEING A LIQUOR STORE. Michael Clark's liquor store, No. 422 East Fifteenth

street, was broken into and robbed of one dollar's worth of cigars on Thursday night. Patrick Jordan, No. 422 East Futeenth street, same house, and Thomas Lynch, No. 225 East Twelfth street, were held for trial on the

FRATERNAL FIGHTS.

A somewhat curious case came up before Judge Murray at the Tombs Court yesterday, wherein Samuel E. Adamson, a die cutter and stencil plate maker, having a factory at No. 3 Park place, accused his brother, Alexander Adamson, a speculator, residing in Brook-lyn, of attempting to kill him. Mr. Samuel Adamson stated that he had frequent quarrels with his brothe in reference to business matters, and on Thursday afternoon ordered him to leave bis place of business. He not only refused to do so, but drew a large revolver and snapped it at him three times. The weapon missed fire, when Alexander drew a large bowie knife, I'd kill you anyhow. I have come prepared to arrested. The revolver and bowie knile were exhibited in court. Justice Murray decided to hold Alexander Adamson for irial in default of \$2,000 bail. On being asked what he had to say Mr. Alexander Adamson said that he had a continuous quarrel with his brother for several years past. During a difficulty, which occurred in front of Willard's Hotel, Washington, D. C., he horsewhipped him, and since then their differences bad never been adjusted. In reference to the present case he stated that Mr. Samuel Adamson had accused him of betraying business secrets, and brandshed a pocket knile in his face in a threatening manner. He then went to his face in a threatening manner. He then went to his face in a threatening manner. He did not snap the revolver at his brother, and only presented it at him to deter him from using the knile. On hearing this statement Justice Murray decided to entertain a counter complaint, on which samuel Adamson was held in \$1,000 bad to answer.

Another traternal fight of a somewhat different character came up before Justice Murray. It appeared from the evidence that Morris Jacobs, the "boss of the libray we to in the Thard ward." and his younger brother Charles nad a rough-and-tumble hight is front of their residence. No 189 Greenwan street, in reference to a dissolution of partnership. On the parties being arrangmed it appeared that each was equally in fault, and Justice Murray discharged them both.

POLICE COURT NOTES.

POLICE COURT NOTES.

At the Washington Place Police Court yesterday Judge Duffy heid Robert Crawford, of No. 215 West Twenty-seventh street, for having on the 7th of last month waylaid Michael Carroll, of No. 44 West Twentysixth street, in Twenty-lourth street, near Eighti avenue, and roobing him of \$2. Crawford is noted as a desperate character and a learing member of the Tenth avenue gang.

On the 2stn of March last Mrs. Martha Antisdell, of No. 69 West Twenty-third street, was robbed of clothing and silverware chized at \$530, and at the same time Frances Gardner, a chiered servant in her employ, disappeared. Yeaterday morning the girl Gardner was arrested by Officer Grassick, of the Washington Place Court squal, and part of the stolen property found in her possession. She confessed having powned the remainder. On being arrangued before Justice Duffy sesterday afternoon the prisoner was unly committed for trial.

At the Tombs Court yesterd y afternoon Detective Jackson, of the Fourth precinct, arrangued Louis landberman, of No. 14 Forsyth street, an employé of Messers. Goodwin & Co. charged with being concerned in the extensive roboseries of tobaccor from their favory, aready reported in the Heraano. Tauberman, who admitted the girit, was held to answer. Mosse kelerian, a cigar stone keeper of No. 91 West Houston street, arranged was a scharged, as Mr. Goodwin, could not defining the loose tomaco found in Ellerich's store as part of the stock at len from his arm. a desperate character and a leading member of the

to New York in July of that year; he was separated from his wife at that tipes, and his family consisted of from his wile at that time, and his family consisted of Miss Sophie Kemp, governess, and his children, Henry F. and Kate; he is in the grain business in New York; he knew of the nature of the law proceedings brought by his wife in England for the custody of their children; the lumiture in his house, No. 192 Washington street, Brooklyn, is mortgaged for \$2,000 to Miss Kemp. Miss Martha Pavier testified that she had been a resident of New York; for the past two years, and carried on the millinery business at No. 99 West Eleventh street, New York; was a governess in the Baker Jamily from 1868 to 1873; Mr. Baker in 1870 asked her to become his in stress and go with him to Australia or to America; she disclosed the proposition to Mrs. Baker a couple of months after; witness told of the annoyances which Mrs. Baker had endured owing to her husband's peculiar disposition.

Mr. George Gibert testified that he was a passenger in the first cabin on the steamer on which Mr. Baker and Miss Kemp and the children come to New York; their relations seemed to be like those of man and wile, and were the subject of comment among the officers and yassengers; had seen him go into Miss Kemp's room late at night.

Mr. Baker was recalled and explained his conduct on board the steamer; he never made the proposais attributed to him by Miss Pavier; he was at one time a wealthy man, but latied in 1867, losing £20 000; he said he was widing to live with his wife it she will abandon these proceedings.

Miss Sophie Kemp lestified that she was employed

he was widing to live with his wife if she will abandon these proceedings.

Miss Sophie Kemp testified that she was employed as governess of Mr. Baker's children in England three years age; knew at the time she was engaged that he was separated from his wife, but did not learn the cause; no improprieties had ever taken piace between Mr. Baker and witness; she is now keeping a boarding house at No. 192 Washington street; she has a mortgage on the lurniture; has received no wages from him since he came to this country.

When the testimoup had been concluded the Court removed the children to the custody of the mother and adjourned the case for further hearing thil Monday next.

## COURT OF APPEALS.

No. 54. Day vs. The Mayor.—Argument resumed at

No. 54. Day vs. The Mayor,—Argument resumed and concluded.

No. 51. Shades vs. The Railway Pass Association Company.—Argued by J. B. Adams for the appellant, George F. Dantorth for respondent.

No. 57. Schreyer vs. The Mayor,—Argued by F. L. Stetson for appellant, D. M. Porter for respondent.

No. 44. McVcany vs. The Mayor, &c.—Passed.

No. 63. Dannal vs. The Mayor, &c.—Passed by John H. Hand for appellant, F. L. Stetson for respondent.

No. 62. Ellen Calianan, executrix, &c., appellant, vs. The Mayor, &c., of New York, respondent.—Submitted for appellant; argued by B. J. Bean for respondent.

No. 219. Smith vs. Hall.—Argued by S. H. Bean for appellant, H. Boardmau Smith for respondent.

Adjourned.

DAY CALENDAR FOR MONDAY.

UNITED STATES · SUPREME COURT. WASHINGTON, June 9, 1876, OPINIONS.

THE JUDICIAL POWER OF CONSULS, HOW DETERMINED-THE COURT WILL NOT TAKE JUDICIAL NOTICE OF YOR-

Francis Dainese, plaintiff in error, vs. Charles Halen error to the Supreme Court of the District of Columbia .- This action was brought to recover the value of certain goods, chattels and credits of the plaintiff, Consul General of the United States in Egypt, caused to be attached. The declaration alleged that the delendant, by usurpation and abuse of his power as such Consul General, and for the malicious purpose of injuring the plaintiff, took cognizance of a certain controversy between the plaintiff and Richard H, and Anthon B. Allen, (all being citizens of the United States, and Turkish deminions at that time,) and made and issi
the order of attachment by virtue of whi
the seizure in question was made. I
defendant pleaded that at the time
issuing the attachment he was agent a
Consul General of the United States in Egypt, and w
fornished with a letter of oredence from the Preside
of the United States to the Pacha; that in his si
official capacity he exercised the functions and duty
a Minister, and by the law of nations, as well as it
laws of the United States, he was invested wi
judicial functions and power over cutizens of the United States residing in Egypt, and, in the exercise of the
functions, took cognizance of the cause referred to
the declaration and issued the attachment complain
of. Turkish deminions at that time,) and made and issued

tunctions, took cognizance of the cause referred to in the deciration and issued the attachment complained of.

To this plea there was a general demurrer.

The defendant, by his plea, asked the Court to take judicial notice that his official character gave him the jurisdiction which he assumed to exercise. Could the Court do this? Can this Court do it?

"Upon these facts the Court decide in substance as follows:—Judicial powers are not necessarily incident to the office of consul, though usually conterved upon consuls of Christian bations in pagen and Mohammedan countries for the decision of controversies between their fellow citizens or subjects residing or commorant there and for the punishment of crimes committed by them. The existence and extent of such powers opened on the treaties and positive laws of the nations concerned. In Turkey, for example, the judicial powers of consuls depend on the treaty stipulations conceded by the government of that country, and of the laws of the several states appointing the consuls. The treaty between the United States and Turkey, ande in 1862 (if not that made in 1835), has the effect of conceding to the United States and Turkey, ande in 1862 (if not that made in 1835), has the effect of conceding to the United States the same privilege in respect of consular courts and jurisdiction which are enjoyed by other Christian nations, including civil as well as well as criminal jurisdiction; and the act of Congress June 22, 1860, established the necessary regulations for carrying the jurisdiction into effect. But as this jurisdiction is, in terms, only such as its intercourse with other Christian nations, those laws or usages must be shown in order to know the precise extent of the jurisdiction. The Court cannot ordinarily take judicial notice of foreign laws and the benefit of them

to know the precise extent of the jurisdiction. The Court cannot ordinarly take judicial notice of toreign laws and usages; a party gualning the beneit of them by way of justification, must jiesed them. The defendant, as Consul General of Egypt, in 1864, issued an at-chiment against the goods of the plaintiff, there situate; neither the plaintiff nor the persons at whose soil the attachment was issued being residents or sojourners in the Turkish dominions, but both being citizens of the United States. For this action the plaintif brought suit to recover the value of the goods at tachned, and as incident thereto, claimed jurisdiction to cintertain the suit in which the attachment was issued. Held that the plea was desective for not setting forth the usages of Turkey upon which, by the treaty and act of Congress conferring the jurisdiction, the latter was made to depend, and which alone would show its precise extent, and that it embraced the case in question. Reversed. Mr. Justice Bradley delivered the opinion.

CONTRACTS IN THE CONFERRATE NATES DEFINO THE NATES AND THE WILLIAMSON THE NATES AND THE CONFERRATE NATES DEFINO THE NATES AND THE WILLIAMSON THE CONFERRATE NATES AND THE CONFERRATE NATES AND THE NATES AND THE CONFERRATE NATES AND THE NA

Southern District of New York.—This was a bill filed to restrain the infringement by the respondent of letters patent for the manufacture of combined penells and crasers. The first patent was granted to one Spinon in 1853, and was extended for a further term of seven years in 1872. The claim of this patent was:—"The combination of the lead and India rubber, or other erasing substance, in the holder of a drawing penell," the whole being urranged and constucted in the manner set forth in the drawings, which exhibited a continuous sheath of uniform size, with interior grooves of differint sizes, the errisers groove being larger than the lead groove. The second patent is for an improvement on the foregoing, and was granted to Reckendorfer in 1852 and reissued in 1872. The chaim of this patent was "a pencil composed of a wooden sheath and lead case, having one end of the sheath enlarged and recessed to constitute a receptucle for an eraser, or other similar article, and whose case gradually tapers from its on-largest and recessed head toward its opposite end, for the whole of a portion of its length." The Court hold that the article patient of is not a patentable invention within the lawsbot the United States; that to be patenticles the combination claimed must produce a different for most produce a different for most produce a different for most produce and the second of the sheath of the state of the respect of produces of produce the combination claimed must produce a different form that before in use. Another illustration may be found in the frame in a sawmil which advances the long regularly along to meet the saw and operates the saw which saws the log, the two being co-operative and similar ecous in their ions action of sawing through the whole log; or in the sewing machine, where one part action was the log, the two being simulation of a continuous sewing. A stemium of the lead is to hold the watch of name the claim to the watch. The office of the stem is to hold the watch to have the same instrument with the

described exhibits no sumetion invention to warrant the grant of a patent.

87 AFR TAXATION OF GOVERNMENT BONDS—A COURT OF BOUTTY WILL NOT INTERPERE TO AID AN EVASION OF THE TAX.

No. 70. David R. Mitchell, plaintiff in error, vs. The Board of County Commi sioner of Leavenworth, Kansas; Alexander Repine, Treasurer, and Thomas Leonard, Sheriff—in error to the Supreme Court of Kansas.—The case presents the following facts:—Mitchell, the plaintiff, kept his bank account with a banking firm in Leavenworth. On the 28th of February, 1870, he had a balance to his credit of \$19,350, and student in the check in current funds. He that day gave his check for this balance, payable to himself in linted States notes. These notes were paid to him. Ho immediately enclosed them in a scaled package and placed them for safe keeping in the vanit of the bank. On the 3d of March he withdrew his package and redeposited the rotes to his credit. This was done for the sole purpose of escaping taxation upon his money on deposit. Personal property in Kansas, which includes money on deposit, is listed for taxation as of March I in each year. Mitchell did not list any money on deposit. The taxing officers in due time, on discovery of the facts, aided \$9,000 to his assessment on account of his money in bank. He asked the proper authorities to strike off this added assessment. This was retused. A tax was thereupon in due form levied and its collection threatened. He then field his bill in equity against the defendants, who are the proper authorities to restrain the collection of this tax, alleging for cause, in substance, that as his bank halance had been converted into United States notes and was held in that form on the day his proporty was to be listed he could not be taxed on that account. The Supreme Court of Kansas, on appeal, dismissed the bill, for the reason, as appears by the opinion, which in this case is sent here as part of the record, that "a Court of Justice, sitting as a Court of Equity, will not lend middle the could not be t

## A LEWD LAWYER IN LIMBO.

Samuel G. Derrickson, a lawyer practising in New York and Jersey, was called up for sentence, together with Kate Clements, in the Cour; of Sessions, at Jersey City, yesterday, for continued lewd consuct. Judge Hoffman, in passing sentence, observed that Derrick son had been previously convicted in that court of a detestable crime, but the Court released him by placing reliance on promises of amendment, which were never fundled. The sentence of the Court was that he be confined in the Pentenbary for nins months at hard intoe. His companion, Kate Clements, who had refused to leave him and return to her father's notine, was sentenced to four months in the Pentenbary For nins months at hard intoe. His companion, Kate Clements, who had refused to leave him and return to her father's notine, was sentenced to four months in the Pentenbary Derrickson had pleaded earnestly for mercy, promising never to practise again in Jersey if released. He ascribed his downfail to his practice in Justices' Courts, especially in Hoboken.

POLICEMAN SHOT.

LYN OFFICER WITHOUT APPARENT PROVOCA
The Manual of the property stolen was alterward recaptured by Cheel Attay and his officers. The money and value bies atolen amounted to some \$2,000, of which \$700 or long of the McHaigh and his officers. In the money and value bies atolen amounted to some \$2,000, of which \$500 or long of the McHaigh and his officers. The money and value bies atolen amounted to some \$2,000, of which \$500 or long of the money and value bies atolen amounted to some \$2,000, of which \$500 or long of the money and value by Cheel Attay and his officers. In the money and value bies atolen amounted to some \$2,000, of which \$500 or long of the money and value bies atolen amounted to some \$2,000, of which \$500 or long of the money and value bies atolen amounted to some \$2,000, of which \$500 or long of the money and value bies atolen amounted to some \$2,000, of which \$500 or long of the money and value bies atolen amounted to some \$2,000, of which \$500 or long of the money Samuel G. Derrickson, a lawyer practising in New

LYN OFFICER WITHOUT APPARENT PROVOCA-

About three o'clock yesterday morning Patrolman John Beatty was on post on Fulton street, near the City Hall, when his attention was attracted by loud voices proceeding from a group of men who were standing on the corner of Adams and Fulton streets. It was just dayinght at the time, and the officer walked on down Fulton street, and when in front of the Court House he rapped on the pavement. A stone was thrown by one of the party of men on the corner at the same moment, and a cat bounded off the curb stone. The next instant a pistol shot was fired and Officer Beatty's arm fell powerless by his side. The officer who, is a large man, weighing about 230 pounds, asked, "Who fired that shot?" To which query Robert Murray, better known in Brooklyn as "Crow" Murray, replied, "This man fired it," and at the same time he served Thomas

F. Fuliam, one of the crowd, by the arm and gave him
into the custody of the wounded policeman. The
prisoner protested that Murray himself had ared the
shot. At the station house in Wasnington street, hear
Jonnson, Fullam, apain declared that it was Murray
who had hred the piscol, and Sergeant Kane at once
went out and took Murray into custedy. The bail
passed through the left-hand breast pocket of Bearty's
coat, breaking a lead pencil therein, out through a poece
of paper, and then imbedded tosel; is the muscles of
the left-arm, severing an artery. Beatry was attended
at the station house by Police Surgeous Fisher and
Kissam, who for several hours were exceedingly
anxious about their patient owing to the great quantity
of blood which he lost. Later in the day, however, he
was much easier, and his recovery was considered only
a question of time. When Murray was comironed with
Fullam in the station house he struck the latter in the
face for charging him with the shooting. In the afternoon the prisoners were brought octore Justice Walsh.
D. P. Harnard appeared for Fullam, and ex Judge Troy
acted as counsel for Murray. District Attorney frittion
represented the interests of the people. The charge of
assault with intent for kill was entered against Murray,
who pleaded not gointy. He was then nomitted to bail
in the sum of \$5,00,00 to appear for examination on Friday next. Fullam was discharged by consent of the
District Attorney, Justice Delmar to economic responsable for his appearance if wanted.

Murray, who is thirty-five years of age, and keeps a
liquin store on the corner of Folton and Adams streets,
stated sobs quently that he was standing on that cornet taking with a bonder of mental to say that he
said to Murray that he had been shot. He had noticed
some fellow run around the corner of Adams sireet immediately after the officer came across the street fullam did it, and so, to get tinneet, out of the scrape, he said
if the it, I did not fire t man fired it," and at the same time be seized Thomas F. Fullam, one of the crowd, by the arm and gave him

arrested him. The wounded officer was appointed on the force in 1858. In 1861 he was made a sergeant. Political changes subsequently reduced him to the ranks. He is a very good tempered man, and has an

### UNCLAIMED PRIZES SWINDLE.

Special Agent Sharrat, of the Post Office Department, is actively engaged in bringing to light the operations of the ring of sawdust swindlers, bogus dealers in real estate enterprises and gift library concerts who are floating the country with circulars and fleecing the unwary and ready tools in raud alike. One of the principal opera ors in this city announces in circulars sent through the mail that an unclaimed prize of \$200 will through the mail that an unclaimed prize of \$200 will be sent on receipt of \$10 as commission, which prize, he represents, is at his disposal. The dupes who call in person at the office in Nassau street, in this city, are informed with great scriousness that the \$200 is represented by a lot in Queen City, Rowan county Ky., and that a warranty deed is given in payment for the commission. The principal of the ring claims to be the agent of the Louisville Library Git. Concert, but of course this is aliase representation, as that concern exploded some time ago. The agent is known to the authorities as a person who has been "actuary" of numbers of gift concerns, dollar enterprises, sales of goods of bank rupt firms, and similar fleecing operations, through which humerous frauds are perpetrated upon the dupes of these stiff es, and not a fev are drawn into the meshes of the law. Special Agent Sharrat is doing a good work in exposing these frauds and bringing the operators to justice.

### ATTEMPTED SUICIDE.

Shortly before one o'clock yesterday morning Officer Hagan, of the Eighteenth precinct, heard the report of a pistol near the corner of Fifteenth street and Irving place, and proceeding there found Dr. Memeck, an attaché of the Belletristische Journal, published in John street, lying on the sidewalk suffering from a bulle wound between the eye and right temple. The wounder man was picked up and conveyed to Bellevel Hospital, where he was attended by Dr. Silver, who pronounced the wound not latal. The would-be silicade quickly railied, and said in explanation of his act, which he greatly regretted, that he was in a fit of despondency at the time, brought about by the excessive use of inquer. Dr. Meineck is thirty-nine years of age. In 1860, shortly after graduating as a physician, no entered the journalistic profession. For about twelveyears he was an editor of the Belletislischer Journal, of this city, and his art criticisms while he was in that position are said to have been masterly. He is unmarried and resides at No. 160 Second street, to which place he was proceeding when he tried to end his life.

### A CO. VENT STORY.

Mrs. McDermott, of No. 504 First avenue, reported to Delia, aged fourteen years, had left the family of her employer in Clinton, Mass., and had gone, she sup posed, into a convent. To this the mother was op posed and wanted the police to interfere. It appears that the girl entered the employment of Mr. Charles W. Bean, in Chinton, Mass., as a domestic some four months ago. Last week Mr. Bean wrote that she had suddenly disappeared, and, suspecting that a Catholic priest named latterson knew of her whereabouts, he had questioned him. He admitted that Belia had gone to New Haven for the purpose of entering a convent. Superintendent Walting told Mrs. McDermott that her remedy was in the courts, and she left to seek redress in that manner.

## TWICE SHOT.

A STEPFATHER SHOOTS HIS STEPSON. [From the Memphis (Tenn.) Avalanche, June 7.]

A terrible affray, which will doubtless prove fatal to one of the parties, occurred at the corner of Lander-dale and Madison streets about two o'clock yesterday afternoon, the victim of the bloody deed being the stepson of the perpetrator. As near as can be ascertained, and stepson, Ritchie McHale, sat at dinner, the sor threw dishes and food about in a way that caused Mr. McHugh to remonstrate Upon this McHale made a vicious attack on his stepfather with a knife, cutting him slightly in the hand and biting his arm. The stepfather drew a revolver and bred upon the young man. The latter attempted to run, was followed by McHugh, and when first seen by outsiders the young man was closely pursued by his stepfather. McHale tripped and fell in a basement, and was heard to call out

tripped and fell in a basement, and was heard to call out

"YOU HAVE ME POUL;
don't kill me," or something to that effect. The other made several ineffectual efforts to fire, and finally was seen to detherately turn the cylinder of his pastol with his hand, point and discharge its contents into the prostrate form of McHale. The latter, upon examination, was found to be snot through the simil of the back, just above the kidneys, also a little higher up, just above the girdie, the bail passing entirely through the stomach and lodging under the skin in its right part. The wounded man was attended by Dr. Ewell, who declined to say what his probable condition was, but or course death must certainly ensue from the effects of two builets entering the person as described. McHale atterward stated that he was turning fained and believed himself to be dying. McHugh quietly gave himself up to an officer and was taken to the station house, where he remained during the afternoon.

THE VICTIM

of this tragedy has long been known to be a very bad man, or boy, as he is called—his age being scarcely more than twenty-three years. Some two years ago he planned a robbery against his anni and mother, lie execution being conducted by John Chifford, who, it is said, failed to divide the spoils with McHale. A portion of the property stolen was afterward recaptured.

## DEATH IN ST. LOUIS

STARTLING REVELATIONS OF A CORONER'S IN-VESTIGATION.

[From the St. Louis Republican, June 7.] Nobody can be buried in any of our cemeteries ex cept a certificate be give; by the physician who attended case there is no physician in attendance it becomes the duty of the coroner, as in cases of violent death, to make an investigation and issue a cartificate. Uniortunately, however, many physicians who may have patient again until he dies, are willing to issue certificates, basing them on observations made at the time of this with any c. riamty, and on the other hand they de not do it with any improper intention; but midakes might easily be made, and there is fittle doubt that this laxity has done much to loster that terrible about na